

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2020.03
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	March 28, 2003
DATE OF REPORT:	April 24, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	June 6, 2003

COMPLAINT ISSUES:

Whether the Taylor Community School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written; specifically, failing to send home to the parent(s) a communication log on a daily basis.

511 IAC 7-27-4(c)(2) by failing to ensure that information obtained by the parent is documented and carefully considered by the case conference committee (CCC) in order to determine the content of the student's IEP.

FINDINGS OF FACT:

1. The Student is 12 years old and attends the local intermediate school ("the School"). The Student has been determined eligible for special education as a student with an orthopedic impairment.
2. The March 19, 2003, IEP specifically calls for a behavior notebook to be completed daily as a means of informing the parent of the Student's progress toward annual goals. This is checked on the front page of the IEP, and "daily log" is listed on the adaptations and modifications page. Copies of the Student's planner provided by the School show that for March 20, 2003, through March 28, 2003, the day on which the complaint was filed, five days have no information provided at all, and that which exists does not relate to the Student's behavior. Much of the correspondence provided is undated and does not relate to behavior.
3. The CCC report of January 23, 2001, indicates that the independent report on possible intervention strategies was discussed and carefully considered by the CCC. This issue is well over one year old. 511 IAC 7-30-2(b) states that a complaint "must allege a violation that occurred within one (1) year of the date that the complaint is received" by the Division, unless "the alleged violation is continuing or systemic" or "the complainant is requesting compensatory services" for a violation that is less than three years old.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School failed to fully implement the IEP with respect to the daily behavior notebook following the March 19, 2003, CCC meeting. Therefore, 511 IAC 7-27-7(a) has been violated.

2. Finding of Fact #3 indicates that the independent report was carefully considered by the CCC well over one year ago. Therefore, there is no violation of 511 IAC 7-27-4(c)(2).

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Taylor Community School Corporation and the Kokomo Area Special Education Cooperative shall:

1. send an assurance statement to the Division which clearly states that the behavior notebook will be implemented and sent to the Complainant on a daily basis, to fully meet the demands of the IEP. **The assurance statement shall be received by the Division no later than May 2, 2003.**
2. send a written memorandum to all school personnel working with the Student to call attention to the need for the daily behavior notebook. **A copy of the written memorandum, with signatures of persons receiving it, shall be sent to the Division no later than May 2, 2003.**
3. send the daily behavior notebook to the Division for the period of April 28, 2003, through May 28, 2003. **The behavior notebook shall be received by the Division no later than June 2, 2003.**

DATE REPORT COMPLETED: April 23, 2003

